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10/699,141	10/31/2003	James Howard Drew	03-8012	3441

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EXAMINER	
STERRETT, JONATHAN G	

ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/699,141	DREW ET AL.	
	Examiner	Art Unit	
	JONATHAN G. STERRETT	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This **Non-Final Office Action** is responsive to 21 November 2003. Currently **Claims 1-34** are pending.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1, 8, 9, 10, 11, 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth**, Philip; Bobko, Philip; "A Research Agenda for Multi-Attribute Utility Analysis in Human Resource Management", 1997, Human Resource Management Review, Volume 7, Number 3, pp.341-368. (hereinafter **Roth**).

Regarding **Claim 1**, Roth teaches:

A method of determining comparable performance measures for employees having differing task assignments, comprising:

generating sets of task scores based on a selected model design of said task assignments;

Page 352 para 1 and 2, sets of task scores are generated based on the Multi-Attribute Utility (MAU) approach to evaluating performance (note on page 1 that MAU can be used to evaluate job performance).

performing a plurality of evaluations of said sets of task scores, said evaluations assigning productivity scores to said sets of task scores;

page 343 para 2 and 3, the evaluations of the employees result in sets of task scores for the various attributes (e.g. interviews and cognitive ability test).

analyzing said productivity scores to determine productivity parameters;

page 353, Section 4 (last para), the combination of the attributes into a single score requires analyzing the scores to determine the weights (i.e. productivity parameters) for how they are combined – see also page 354 bottom paragraph – the MAU approach combines utility functions represented by the different inputs – these utility functions represent the scored attributes that are weighted and combined for a single score. This section also discusses that the utility functions that are combined may be either linear or nonlinear.

and applying said productivity parameters to employee task scores for said employees to obtain said performance measures for said employees.

page 343 last para, the various score generated in an MAU analysis are combined such that the result of the MAU analysis results in a single score.

Roth teaches on page 345 para 4-5 that employees have different values of contribution based on their performance; Also on page 347 Table 1, feedback and goal-setting is provided for organizational productivity that is multi-faceted – the idea that there are different factors contributing to productivity.

Roth does not teach where the evaluation method is for evaluating different employees who are performing different tasks. However, Official Notice is taken that it is old and well known in the art for individuals in an organization to perform different tasks. Since Roth teaches using different utility functions that are combined to represent different factors as an input into productivity, it would have been obvious to one of ordinary skill in the art to modify those teachings to include applying the utility function idea to the different tasks performed by different employees, because it would provide a way to provide a comparative measure of different employee's contributions to a firm's productivity, thus improving the ability of the firm to value different employees.

Regarding **Claim 8**, Roth teaches:

The method of claim 1, wherein generating comprises adding a number of recorded task scores to said sets of task scores.

Page 352 last para, the development of various scores by group members suggests the development of more than one set of scores, i.e. thus adding a number of recorded scores to a base set of scores.

Regarding **Claim 9**, Roth teaches:

The method of claim 8, wherein said sets of task scores are scaled to represent performance by employees over a common work period,

page 343 para 3,4, the MAU approach includes combining attributes based on factors (i.e. they are scaled). Since the particular tasks are an interview and a test, this suggests work performed over a common period.

Roth does not teach:

with a fixed number of hours worked.

However Official Notice is taken that using such a measure is known in the art to provide normalization, i.e. a standardization of what time workers work such that a comparison can be made between the amount of work achieved.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Roth's teachings to include measuring productivity over a fixed number of hours, because it would ensure a standard comparison is made between employees.

Regarding **Claim 10**, Roth teaches:

The method of claim 1, wherein said plurality of evaluations are performed by a plurality of evaluators, said evaluators being familiar with said task assignments and with assigning productivity scores.

Page 350 para 2, Roth teaches various techniques for assigning scores where the assigners are familiar with what is being rated and in assigning scores.

Regarding **Claim 11**, Roth teaches:

The method of claim 10, comprising:

assigning evaluator parameters to each of said plurality of evaluators;

page 357 last para, parameters are assigned to the evaluators such that correlation coefficients are calculated.

comparing said plurality of productivity scores assigned by each of said evaluators using said evaluator parameters in analyzing said productivity scores

page 357 last para, correlation coefficients are compared across the evaluators.

Roth does not teach where the scores are compared **to determine anomalous ones of said plurality of evaluations**;

removing said anomalous ones of said plurality of evaluations; and returning to analyzing said productivity scores.

However, Official Notice is taken that it is old and well known in the art to determine and remove anomalous data points for the purpose of improving accuracy of results in an analysis.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth to include determining and removing anomalous scores, because it would improve the accuracy of the overall MAU analysis.

Claim 12 recites limitations addressed by the rejection of **Claim 9** above, and is therefore rejected under the same rationale.

Regarding **Claim 13**, Roth teaches:

The method of claim 10, wherein generating comprises adding a number of recorded task scores to said sets of task scores,

Page 352 last para, the development of various scores by group members suggests the development of more than one set of scores, i.e. thus adding a number of recorded scores to a base set of scores.

and using productivity scores assigned to said recorded task scores for each of said evaluators as one of said evaluator parameters

page 357 last para, correlation coefficients are compared across the evaluators – these correlation coefficients are based on the recorded task scores provided by the evaluators.

4. **Claims 2, 3, 15-19, 22, 24, 25-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth** in view of **Edwards**, Jeffrey R; Parry, Mark E; "On the Use of Polynomial Regression as an alternative to Difference Scores in Organizational Research", Dec 1993, The Academy of Management Journal, Vol. 36, NO.6, pp.1577-1613, hereinafter **Edwards**.

Regarding **Claim 2**, Roth teaches the need to combine various functions in a weighted manner (i.e. weights are associated with the functions so they can be added together to result in a total number - as per the MAU approach). However Roth does not teach using linear regression techniques to determine the weights for the combination of the individual utility functions as per:

The method of claim 1, wherein said analyzing comprises applying linear regression techniques to said productivity scores.

Edwards teaches:

wherein said analyzing comprises applying linear regression techniques to said productivity scores.

page 1579 last para (see also equation 6 on this page).

Edwards teaches applying linear regression techniques to understand the relationship between measurable factors such that coefficients can be determined so

those factors can be combined (the factors, e.g. X and Y, are functions to be combined to provide a score).

As noted above, Roth's teaches that there are separate functions, i.e. utility functions, that are weighted to be combined such that a score results.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth to include the determination of coefficient values as provided by the linear regression techniques of Edwards, because it would improve the determination of the coefficients of the utility functions to be combined by using the well known and reliable technique of linear regression (i.e. polynomial linear regression).

Regarding **Claim 3**, Roth notes that utility functions can be used in evaluation of employee performance (page 1 last para - page 2 first para). These utiliity functions combined provide a single output value (i.e. a productivity value). Roth teaches individual tasks that a person performs where the tasks are combined in a utility function. Roth does not teach a second order polynomial of the form A + B X + C X^2, where the A, B and C are constants and the productivity score is a second order polynomial in X (where X is a task).

However, the idea of using a second order polynomial with coefficients (i.e. an A, B and C) is old and well known in the art as a modeling approach as taught by Edwards

(see page 1579 equation 6 - here the total score is a function of A (i.e. B sub o), B (i.e. B sub 1) and C (i.e. B sub 3) in the second order with respect to X (including the B and C terms times X and X^2, respectively).

Edwards teaches that using polynomial regression provides a way to achieve a predictable result (since the mathematics utilized by regression are very well known in the art) – see page 1578 para 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth to include the polynomial regression approach of Edwards, because it would have improved the estimation of productivity using a well known approach of regression to provide a predictable result in estimating the effects of the coefficients of tasks for use in an equation that calculates productivity

Claims 15 and 16 recite similar limitations to those addressed by the rejection of **Claims 2 and 3** above, and are therefore rejected under the same rationale.

Claims 17-19 recites similar limitations to those addressed by the rejection of **Claims 10-11 and 13** above by Roth, and are therefore rejected under the same rationale.

Claim 22 recites similar limitations to those addressed by the rejection of **Claims 2 and 3** above by Roth and Edwards, and are therefore rejected under the same rationale.

Claim 24 recites similar limitations to those addressed by the rejection of **Claim 8** above by Roth, and is therefore rejected under the same rationale.

Claim 25 recites similar limitations to those addressed by the rejection of **Claim 9** above by Roth, and is therefore rejected under the same rationale.

Claim 26 recites similar limitations to those addressed by the rejection of **Claim 10** above by Roth, and is therefore rejected under the same rationale.

Claim 27 recites similar limitations to those addressed by the rejection of **Claim 11** above by Roth, and is therefore rejected under the same rationale.

Claim 28 recites similar limitations to those addressed by the rejection of **Claim 13** above by Roth, and is therefore rejected under the same rationale.

Claim 29 recites similar limitations to those addressed by the rejection of **Claim 22** above by Roth, and is therefore rejected under the same rationale. Furthermore regarding **Claim 29**, Roth and Edwards do not explicitly teach performing his method

using computer readable medium containing instructions for causing a computer system to perform method steps, however Official Notice is taken that performing the method steps taught by Roth and Edwards using computer software running on a computer system is old and well known in the art. Using this approach is known to make method steps faster and more efficient since they are running on a computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth and Edwards to perform their method steps using computer software running on a computer system, because it would make performance the of the method steps faster and more efficient since they are running on a computer.

Claims 30-32 recite similar limitations to those addressed by the rejection of **Claims 10-11 and 13** above by Roth, and are therefore rejected under the same rationale.

5. **Claims 4, 5, 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth** in view of **Trocine**, Linda; Malone, Linda; "Finding Important Independent Variables Through Screening Designs: A comparison of methods", 2000, Proceedings of the 2000 Winter Simulation Conference, pp.749-754, hereinafter **Trocine**.

Regarding **Claim 4**, Roth teaches the use of MAU variables with weights to determine a productivity score, but Roth does not teach using a design of experiments (i.e. a DOE, aka a response surface methodology) as per:

The method of claim 1, comprising selecting a centralized composite design as said model design.

Trocine teaches:

selecting a centralized composite design as said model design.

Page 750 column 2 para 1 under sect 2.1, a factorial design is a centralized composite design. Trocine teaches limiting the number of variables (i.e. a limited factorial design) to limit the number of model runs that need to be performed (e.g. with k=15 a fractional factorial still means that 128 experiments or runs of the model ned to be performed).

Trocine teaches the use of fractional factorial experiments as a way to identify significant variables in a dataset (see page 749 column 1 para 1 under section 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth, regarding using A MAU approach to identify factors to be combined with coefficients, to include the step of using a factorial design DOE to identify those variables, because it would provide a way to estimate those coefficients using proven DOE techniques and thus improve the estimation of productivity using the MAU approach taught by Roth.

Regarding **Claim 5**, Roth does not teach:

wherein generating said sets of task scores comprises:

determining whether said sets of task scores exceed a predetermined number; and

modifying said centralized composite design by a fractional factorial when said sets of task scores exceed said predetermined number.

Trocine teaches that screening designs to identify variables can result in excessive runs or experiments as provided by a full factorial and even a fractional factorial can result in a large number of experiments.

Trocine teaches limiting based upon a predetermined number of variable (page 751 column 2 bottom para) Trocine teaches that the combinations of runs required by a fractional factorial can result in a large number of required experiments and the desired result of using a fractional factorial is to avoid the excessive number of runs required by a full factorial. The guidelines suggested by Trocine teach the determining and modifying steps - i.e. limiting the number of variables to 20.

It would have been obvious to one of ordinay skill in the art at the time of the invention to modify the teachings of Roth and Trocine to further include limiting the task scores by a predetermined number in performing a fractional factorial, because it would make performance of the DOE manageable by limiting the number of experimental runs required.

Claim 14 recites limitations similar to those addressed by the rejection of **Claim 5** above, and therefore is rejected under the same rationale.

6. **Claims 6, 7, 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth** in view of Jacobson, Tom; "Reaching New Heights", June 1999, Credit Union Management, Madison, Vol. 22, Iss. 6, p.50, 4 pgs. (hereinafter Jacobson).

Regarding **Claim 6**, Roth does not teach:

The method of claim 1, comprising:

calculating statistical measures for said performance measures over a time period; and

identifying employees having performance measures outside a range of said statistical measures.

and as per Claim 7,

The method of claim 6, comprising identifying trends in said performance measures over multiple ones of said time period.

Page 3 para 2, the charting of an agents performs suggests a continual tracking of the agent's performance to identify how they are performing over time.

Jacobson teaches, as per Claim 6:

calculating statistical measures for said performance measures over a time period; and

page 3 para 2-3, variance management is calculating statistical measures for an agent over a period of time

identifying employees having performance measures outside a range of said statistical measures.

Page 3 para 4, employees are identified which fall outside the control limits (i.e. the range of statistical measures, since the article is discussing using SPC charts).

And as per Claim 7

comprising identifying trends in said performance measures over multiple ones of said time period.

Page 3 para 2, the charting of an agents performs suggests a continual tracking of the agent's performance to identify how they are performing over time.

Jacobson teaches that this approach provides a continuous improvement approach to managing a company such that employees are continuously improving (page 4 #8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth to include the SPC charting techniques of Jacobson, because it would improve employees performance by instilling a sense of continuous improvement in the workforce.

Claim 33 recites similar limitations to those addressed by the rejection of **Claim 6** above by Roth and Jacobson, and is therefore rejected under the same rationale.

7. **Claims 20 and 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth** in view of **Edwards** and further in view of **Jacobson**.

Regarding **Claim 20**, Roth and Edwards do not teach:

calculating statistical measures for said performance measures over a time; and

identifying employees having performance measures outside a range of said statistical measures.

And as per **Claim 21**

comprising identifying trends in said performance measures over multiple ones of said time period.

Jacobson teaches:

calculating statistical measures for said performance measures over a time period; and

page 3 para 2-3, variance management is calculating statistical measures for an agent over a period of time

identifying employees having performance measures outside a range of said statistical measures.

Page 3 para 4, employees are identified which fall outside the control limits (i.e. the range of statistical measures, since the article is discussing using SPC charts).

And as per Claim 21

comprising identifying trends in said performance measures over multiple ones of said time period.

Page 3 para 2, the charting of an agents performs suggests a continual tracking of the agent's performance to identify how they are performing over time.

Jacobson teaches that this approach provides a continuous improvement approach to managing a company such that employees are continuously improving (page 4 #8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth and Edwards regarding using a model that provides a productivity calculation for individual employees to include the SPC charting techniques of Jacobson based on productivity scores provided by this model, because it would improve employees performance by instilling a sense of continuous improvement in the workforce.

8. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth** in view of **Edwards** and further in view of **Trocine**.

Regarding **Claim 23**, Roth and Edwards teaches the limitations of **Claim 22** above, but Roth and Edwards do not teach:

determining whether said sets of task scores exceed a predetermined number; and

modifying said centralized composite design by a fractional factorial when said sets of task scores exceed said predetermined number.

Trocine teaches:

determining whether said sets of task scores exceed a predetermined number; and

modifying said centralized composite design by a fractional factorial when said sets of task scores exceed said predetermined number.

Trocine teaches that screening designs to identify variables can result in excessive runs or experiments as provided by a full factorial and even a fractional factorial can result in a large number of experiments.

Trocine teaches limiting based upon a predetermined number of variable (page 751 column 2 bottom para) Trocine teaches that the combinations of runs required by a fractional factorial can result in a large number of required experiments and the desired result of using a fractional factorial is to avoid the excessive number of runs required by a full factorial. The guidelines suggested by Trocine teach the determining and modifying steps - i.e. limiting the number of variables to 20.

It would have been obvious to one of ordinay skill in the art at the time of the invention to modify the teachings of Roth and Edwards to further include limiting the

task scores by a predetermined number in performing a fractional factorial, because it would make performance of the DOE manageable by limiting the number of experimental runs required. The combination of Roth and Edwards teaches determining a polynomial model that produces a productivity score – modifying these teachings provides a predictable result by optimizing Roth and Edward's polynomial system using the well known DOE techniques taught by Trocine.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Roth** in view of **Jacobson** and further in view of **Edwards.**

Regarding **Claim 34**, Roth and Jacobson teach the limitations addressed in Claim 6 above, and Roth and Jacobson do not teach:

a second order polynomial of the form A + B X + C X^2, where the A, B and C are constants and the productivity score is a second order polynomial in X (where X is a task).

However, the idea of using a second order polynomial with coefficients (i.e. an A, B and C) is old and well known in the art as a modeling approach as taught by Edwards (see page 1579 equation 6 - here the total score is a function of A (i.e. B sub o), B (i.e. B sub 1) and C (i.e. B sub 3) in the second order with respect to X (including the B and C terms times X and X^2, respectively).

Edwards teaches that using polynomial regression provides a way to achieve a predictable result (since the mathematics utilized by regression are very well known in the art) – see page 1578 para 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Roth and Jacobson to include the polynomial regression approach of Edwards, because it would have improved the estimation of productivity using a well known approach of regression to provide a predictable result in estimating the effects of the coefficients of tasks for use in an equation that calculates productivity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoo, Tae-Young; Muchinsky, Paul M; "Utility Estimates of Job Performance as Related to Data, People and Things Parameters of Work", July 1998, Journal of Organizational Behavior, Vol. 19, No. 4, pp.353-370

Roth et al. "Estimating the impact of variable costs on SDy in Complex Situations", 1994, Journal of Business and Psychology, Volume 8, No 4, pp.1-18.

Boudreau, John; "Utility Analysis: A new perspective on Human Resource Decision Making", 1987, Cornell University, pp.1-79.

Hunter, John, et al. "Individual Differences in Output Variability as a function of Job Complexity", ABSTRACT, 1990, Journal of Applied Psychology, Vol 75(1), pp. 28-42.

Becker, Brian E; Huselid, John; "Direct Estimates of SDy and the implications for Utility Analysis", 1992, Journal of Applied Psychology, Vol 77, No. 3, pp.227-233.

Boudreau, John; "Future Utility Analysis Research: Continue but Expand the Cognitive and Strategic Focus", 1995, Cornell University, pp.1-27.

Boudreau, John; Gerhart, Barry; "Voluntary Turnover and Job Performance: Curvilinearity and the Moderating Influences of Salary Growth, Promotions and Labor Demand", 1995, Cornell University, pp.1-59.

Clyde, Merlise; Chaloner, Kathryn; "The Equivalence of Constrained and Weighted Designs in Multiple Design Objective Problems", 1996, retrieved from the web at http://citeseer.ist.psu.edu/83991.html

Holling, Heinz; "Utility Analysis of Personnel Selection – An Overview and Empirical Study Based on Objective Performance Measures", 1998, Methods of Psychological Research Online, Vol. 3, No. 1, pp.1-20.

Cabrera, Elizabeth; Raju, Nambury S; "Utility Analysis: Current Trends and Future Directions", ABSTRACT, 2001, International Journal of Selection and Assessment, Volume 9, No. 1-2, pp.92-102.

Judiesch, Michael K; "Using Estimates of the Output Productivity Ratio (SDp) to Improve the accuracy and Managerial Acceptance of Utility Analysis Acceptance", Winter 2001, Journal of Business and Psychology, Vol. 16, No. 2, pp.1-12.

Arvey RD; Murphy KR; "Performance Evaluation in Work Settings", 1998, Annual Review of Psychology, 49, pp.141-168 (ABSTRACT).

Boudreau, John; Ramstad, Peter M; "Strategic I/O Psychology and Utility Analysis", 2001, Cornell University, pp.1-44.

Landy, et al. "The Bottom Line in Performance Evaluation", 1982, Public Productivity Review, Vol. 6, No. ½, pp.78-92 (ABSTRACT).

Syllabus for MSC Program, University of Surrey (UK), Department of Psychology, Spring 2002, pp.1-46.

Roth et al. "Multi-Attribute Utility Analysis Using the PROMES Approach", 1994, Journal of Business and Psychology, Volume 9, No 1, pp.1-12.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 3-5-08

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623